

CHAPTER NO. 317

HOUSE BILL NO. 110

By Representatives McDonald, Bone

Substituted for: Senate Bill No. 6

By Senator Graves

AN ACT to amend Tennessee Code Annotated, Title 69, Chapter 12, Part 1, relative to dam safety.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 12, Part 1, is amended by adding the following appropriately designated new section:

Section 69-12-127.

(a)

(1) The commissioner of the department of environment and conservation shall provide to the county executive of each county of the state an inventory of the existing dams located in such county. The county executive shall provide such information to any agency of the county or of local governments within the county that requires the issuance of a building permit prior to either the initiation of construction of a structure or facility, or the alteration of an existing structure or facility.

(2) The executive officer of the local government shall be responsible for providing such inventory to the agency of such local government responsible for the issuance of building permits, if such local government requires the issuance of a building permit prior to the initiation of construction of a structure or facility or the alteration of an existing structure or facility.

(b)

(1) When application is made to a local government described in subsection (a), or the appropriate agency thereof, for a building permit to construct a structure or facility or to alter an existing structure or facility, the local government, or appropriate agency thereof, shall notify the applicant if the proposed structure or facility or alteration of an existing structure or facility is located downstream of an existing dam.

(2) Prior to issuing a building permit to construct any proposed structure or facility or to alter any existing structure or facility located downstream from an existing dam, the local government, or appropriate agency thereof, shall inform the applicant that the proposed construction or alteration could potentially be affected by the failure of such dam and thus the hazard category of such dam may be reclassified.

(3) The applicant shall inform the real property owner in accordance with section (b)(2) of this act as follows:

(A) If the applicant and the fee simple owner are one and the same person and the applicant is constructing a proposed structure or facility or altering any existing structure or facility for the purpose of sale, then the applicant shall provide the information mandated by this subsection to the initial purchaser of the real property;

(B) If the applicant is not the fee simple owner of the real property and has entered into a contract with the fee simple owner to construct a structure or facility or alter any existing structure or facility, then the applicant shall provide the information mandated by this subsection to the fee simple owner of such real property; provided that if the structure or facility is being constructed or altered for the purpose of sale or resale, then the fee simple owner shall provide the information mandated by this subsection to the initial purchaser of the real property.

(4) The applicant shall inform the real property owner in accordance with section (b)(2) of this act as follows:

(A) If the applicant and the fee simple owner are one and the same person and the applicant is constructing a proposed structure or facility or altering any existing structure or facility, then the applicant shall provide the information mandated by this subsection to the initial purchaser of the real property;

(B) If the applicant is not the fee simple owner of the real property and has entered into a contract with the fee simple owner to construct a structure or facility or alter any existing structure or facility, then the applicant shall provide the information mandated by this subsection to the fee simple owner of such real property; provided that if the structure or facility is being constructed or altered for the purpose of sale or resale, then the fee simple owner shall provide the information mandated by this subsection to the initial purchaser of the real property.

(5) The department shall determine whether the proposed construction or alteration will result in the reclassification of the hazard category of such dam or the classification of such dam, if the dam has not previously been classified. Using analysis methods acceptable to the commissioner, anyone building downstream of a dam such that the construction may raise the hazard potential category of the dam will have to submit to the commissioner a dam failure analysis by an engineer with the qualifications listed in 69-12-106(b) showing the areas inundated by the failure.


SECTION 2. This act shall take effect July 1, 2001, the public welfare requiring it.

PASSED: May 23, 2001


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 30th day of May 2001


DON SUNDQUIST, GOVERNOR